

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. 9004-1(b)

Lavin, Cedrone, Graver, Boyd & DiSipio  
Formed in the State of PA  
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Attorney for Movant

**IN RE:**

**RAYMOND C. MIDDLETON**

**Debtor**



Order Filed on October 4, 2024  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 20-22444-VFP


Chapter 13

Judge: Vincent F. Papalia

**CONSENT ORDER RESOLVING CHAPTER 13 DEBTOR'S OPPOSITION TO  
BMW BANK OF NORTH AMERICA'S CERTIFICATION OF DEFAULT**

The relief set forth on the following pages, number two (2) through three (3) is hereby **ORDERED**.

**DATED: October 4, 2024**

  
\_\_\_\_\_  
**Honorable Vincent F. Papalia**  
**United States Bankruptcy Judge**

Debtor: Raymond C. Middleton

Case No.: 20-22444-VFP

Caption of Order: CONSENT ORDER RESOLVING CHAPTER 13 DEBTOR'S OPPOSITION  
TO BMW BANK OF NORTH AMERICA'S CERTIFICATION OF DEFAULT

1. The 11 USC §362(a) Automatic Stay as to BMW Bank of North America ("Movant"), with respect to the personal property of the Debtor described as a 2015 BMW 6 Series Sedan 4D 640xi AWD 3.0L I6 Turbo, V.I.N. WBA6B8C57FD452956, in accordance with the agreement of the Debtor and Movant, is hereby modified and shall remain in effect.

PROVIDED THAT Debtor comply with the following terms and conditions:

- a. The parties stipulate that the Payoff Balance as of September 18, 2024, is \$10,544.38. Within 30 days of entry of this Order, the Debtor must either (i) pay the Movant the Payoff Balance; or (ii) file a proposed modification of the plan to add the Payoff Balance in the plan. If the Debtor fails to file a modification or pay the Payoff Balance and fails to do either, it is Final Default under this order.

2. The term "payment" as set forth in Paragraph 1, *supra*, does not include a check that is returned due to insufficient funds, account closed or is otherwise not capable of negotiation for any other reason.
3. Debtor will be in default under the Consent Order in the event that Debtor fails to comply with the payment terms and conditions set forth in above Paragraph 1, *supra*. If the Debtor defaults in any way, an order lifting the automatic stay will be imposed under 11 U.S.C. §362(a), permitting Movant to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle without regard to any future conversion of this matter to a different form of bankruptcy.
4. In the event Debtor convert to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code, then Debtor shall pay the Payoff Balance, fees, and charges due and owing within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtor fails to make payments in accordance with this paragraph, then the Movant shall be granted immediate relief from the automatic stay and under the provisions of Section 362 of the Bankruptcy Code (11 U.S.C. §362) and the Movant is then permitted to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating, and

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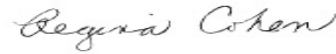
completing a sale of the motor vehicle.

5. The Debtor waives the fourteen (14) day stay provided under Rule 4001(a)(3), F.R.B.P.

**We hereby consent to the form and entry of the foregoing Order.**

/s/ Jessica M. Minneci  
Jessica M. Minneci, Esq.  
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Belmar, NJ 07719  
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com  
Attorney for Debtor

Dated: 9/30/2024



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In re:  
Raymond C. Middleton  
Debtor

Case No. 20-22444-VFP  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Oct 04, 2024

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 06, 2024:

Recip ID	Recipient Name and Address
db	+ Raymond C. Middleton, 917 West 5th Street, Plainfield, NJ 07063-1419

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 06, 2024

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 4, 2024 at the address(es) listed below:

Name	Email Address
Angela Nascondiglio Stein	on behalf of Debtor Raymond C. Middleton nascondiglio@middlebrooksshapiro.com
Denise E. Carlon	on behalf of Creditor CMG Mortgage Inc. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Jessica M. Minneci	on behalf of Debtor Raymond C. Middleton jminneci@middlebrooksshapiro.com minneci.jessicab@notify.bestcase.com
Marie-Ann Greenberg	magecf@magtrustee.com
Melinda D. Middlebrooks	on behalf of Debtor Raymond C. Middleton middlebrooks@middlebrooksshapiro.com melindamiddlebrooks@gmail.com;minneci.jessicab@notify.bestcase.com
Regina Cohen	

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Oct 04, 2024

Form ID: pdf903

Total Noticed: 1

on behalf of Creditor BMW Bank of North America rcohen@lavin-law.com mmalone@lavin-law.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7